IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1605 OF 2004

Salim Umar Vane ... Applicant

versus

State of Maharashtra and anr. ... Respondents

...

Mr. Aslam S. Shaikh, for the Applicant.

Mr. A.S. Gadkari, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

1st November 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Gadkari, A.P.P., waives notice for the Respondents. As short question is involved, petition taken up forthwith for final disposal by consent.

. This petition takes exception to the order passed by the Deputy Inspector-General of Prisons, Central Range, Aurangabad, dated 13th

May 2004 rejecting the application preferred by the Petitioner for release on furlough leave for a period of two weeks as per rules. The principal reason, indicated for rejection in the order is that no person is coming forward to stand surety for the Petitioner. To rebut this position, Petitioner has stated that his mother was willing to stand surety and if it is so, the order as passed cannot be sustained. The learned A.P.P. on instructions relied on the statement of the Petitioner's mother wherein she has stated that she was not willing to stand surety for the Petitioner. Once again, this position has been countered by the affidavit of Mrs. Chandbi Umer Vanu, mother of the Petitioner, who has categorically stated in para 4 thereof that she is ready to stand as surety for her son Salim Umer Vanu. In view of this, petition succeeds. The impugned order dated 13th May 2004 is set aside and the Respondent No. 2 is directed to consider the application of the Petitioner for release on furlough leave in accordance with law.

(A.M.KHANWILKAR,J.)